

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**In re:**

**Joseph Tackett  
Joan Tackett**

**Debtor(s).**

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**Case No.: 08-33339**

**Chapter 13**

**Judge Lawrence S. Walter**

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**MOTION FOR PAYMENT OF UNCLAIMED FUNDS**

Under penalty of perjury, the Movant declares that the following statements and information are true and correct.

1. To the best of the Movant's knowledge, a check number 4213911 in the amount of \$6,569.28 and check number 4213912 in the amount of \$12,147.84 were issued to The Bank of New York Mellon, as Trustee for CIT Home Equity Loan Trust 2003-1("Creditor") c/o Caliber Home Loans, Inc.
2. To the best of the Movant's knowledge, the funds were tendered by the case trustee to the Bankruptcy Clerk and then to the United States Treasury.
3. The Movant's current address, phone number and social security number (last 4 digits only of social security number or complete EIN) are as follows:  
Caliber Home Loans, Inc.  
13801 Wireless Way  
Oklahoma City OK 73134  
EIN 13-0131491
4. The Movant did not receive the check or did not negotiate the check for the following reason(s):  
Movant did not receive check.
5. Movant represents that he/she is the owner of the funds, or is a legal representative of the owner, and is entitled to receive the funds. (If the movant is other than the owner of the funds, additional requirements pursuant to Local Bankruptcy Rule 3011-1(d) may apply to establish the right of payment of the unclaimed funds.)
6. Movant understands that pursuant to 18 U.S.C. §152, a fine or imprisonment or both may be imposed if he/she knowingly or fraudulently made any false statements in this document.

7. Wherefore, Movant requests an order directing the Clerk to pay the funds to the Movant at the above address.

The Bank of New York Mellon, as Trustee  
for CIT Home Equity Loan Trust 2003-1, by  
Caliber Home Loans, Inc., f/k/a Vericrest  
Financial, Inc., as its attorney in fact



Movant's signature

Isabel Melendez

Movant's printed name

Default Service Officer

SUBMITTED BY:

/s/ James E. Tebbutt

James E. Tebbutt (0084830)

Stacey A. O'Stafy (0070386)

Mary E. Krasovic (0085380)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

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Email: jet@manleydeas.com

Attorneys for Creditor

### NOTICE OF MOTION

The Bank of New York Mellon, as Trustee for CIT Home Equity Loan Trust 2003-1 has filed a Motion for Payment of Unclaimed Funds with the court.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the court to grant the relief sought in the motion/objection, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to the bankruptcy court clerk's office OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date. You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

United States Attorney  
303 Marconi Boulevard, Suite 200  
Columbus, Ohio 43215

United States Trustee  
170 North High Street, Suite 200  
Columbus, Ohio 43215

Jeffrey Kellner  
131 N. Ludlow Street  
Suite 900  
Dayton, OH 45402-1161

James E. Tebbutt  
P.O. Box 165028  
Columbus, OH 43216-502

Joseph Tackett  
Joan Tackett  
1462 S Belmont Avenue  
Springfield, OH 45505

Joseph Tackett  
Joan Tackett  
1462 Belmont Ave  
Springfield, OH 45505

Lester Thompson  
1340 Woodman Drive  
Dayton, OH 45432

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2013, a copy of the foregoing Motion for Payment of Unclaimed Funds was served on the following registered ECF participants, **electronically** through the court's ECF System at the email address registered with the court:

Office of U.S. Trustee  
Southern District of Ohio  
Party of Interest  
170 North High Street, #200  
Columbus, OH 43215

Jeffrey M. Kellner  
131 North Ludlow Street  
Suite 900  
Dayton, OH 45402  
ecfclerk@dayton13.com

Lester R. Thompson  
Attorney for Joseph Tackett and Joan  
Tackett  
1340 Woodman Drive  
Dayton, OH 45432  
tdbklaw@gmail.com

The below listed parties were served via regular U.S. Mail, postage prepaid on August 20, 2013:

Joseph Tackett  
Joan Tackett  
1462 S Belmont Avenue  
Springfield, OH 45505

United States Attorney  
303 Marconi Boulevard, Suite 200  
Columbus, Ohio 43215

Joseph Tackett  
Joan Tackett  
1462 Belmont Ave  
Springfield, OH 45505

/s/ James E. Tebbutt  
James E. Tebbutt